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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,905	12/14/2000	John Boreczky	FXPL-01009US0MCF/TAW	2658
23910	7590	07/29/2005	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			SHANNON, MICHAEL R	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/738,905	<b>Applicant(s)</b> BORECZKY ET AL.	
	<b>Examiner</b> Michael R. Shannon	<b>Art Unit</b> 2614	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: \_\_\_\_\_.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 20 June 2005 have been fully considered but they are not persuasive.

Currently, claims 1, 3, 5, 10, 11, 13, and 15 are rejected under 35 USC 102(e) as being anticipated by Yeo (USP 6,711,741) and claims 2, 4, 6-9, 12, and 14 are rejected under 35 USC 103(a) as being unpatentable over Yeo in view of Ceccarelli (USP 6,222,532). Applicant's remarks regarding the rejection of independent claims 1, 10, and 15 in view of Yeo are discussed below.

The Applicant seems to be misinterpreting the rejections of claims 1, 10, and 15 in view of the Yeo reference. As noted in the Final Office Action mailed 20 April 2005, the following is met by the Yeo reference:

- The step of opening a main connection for receiving transmission of a data flow is met by data path 324 and column 3, lines 48-50.
- The step of opening a second connection for transmission of at least one look-x data stream comprising data from said data flow is met by data path 322 and column 3, lines 48-50.
- The step of indexing at least one point of the look-x data stream to at least one corresponding point in said data flow is met by the relation between the temporal snapshots and the continuous video frames. The client control sub-system 308 generates the index (at the client side) into the video (connection 324) by contacting the server and getting that portion of

video for display at the client (over connection 322). Column 4, lines 4-9 more thoroughly discuss this technique.

- The step of providing control of a playback position of said data flow based on the indexed points in the look-x data stream is met by column 4, lines 52-58.

There seems to be a misunderstanding in regards to the generation of an index from the second connection (as mentioned by the Applicant in the last line of the first full paragraph of page 6 of the remarks filed 20 June 2005). In order to clarify and reiterate, the Examiner stands firm in the understanding that the index is generated by the client control sub-system 308. The image representing the location of the index is not generated by the client control sub-system 308, instead, that image is sent over connection 322 (as previously discussed), however, the actual index, or pointer into the video is generated by the client control sub-system. The Applicant states that nowhere does Yeo disclose the creation of the correspondence between the keyframes and their corresponding locations. This, however, is incorrect. The Yeo reference, as previously pointed out, uses the client control sub-system 308 to generate a pointer to a video source frame [col. 4, lines 4-9]. The pointer to a particular video source frame meets the claimed index. The second connection (connection 322) is used for sending temporal snapshots, NOT the indexes. The client control sub-system 308 links the temporal snapshots to the video (connection 324) by creating pointers (indexes) to particular video source frames. Therefore, in view of the foregoing arguments and the previously presented arguments, the indexes of Yeo ARE generated at the client and

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are used to link the separately received temporal snapshots (322) with the source video (324). The Examiner does not see how the Applicant can make the assertion that "Yeo discloses a system that transmits previously indexed media content alongside existing media streams to enable user navigation". On the contrary, the Yeo reference transmits temporal snapshots alongside source video and then creates a pointer from the temporal snapshot to the source video using the client control sub-system 308 [col. 4, lines 4-9], therefore, the pointer (index) is generated at the client and is not transmitted as previously indexed media (as suggested by the Applicant).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

### **Any response to this action should be mailed to:**

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**Or faxed to: (571) 273-8300**

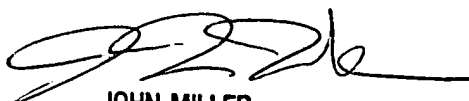
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon  
Examiner  
Art Unit 2614

Michael R Shannon  
July 19, 2005

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**